

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being cancelled.

Claims 1, 2 and 10 are currently being amended.

Claims 24 and 25 are currently being added.

This amendment and reply adds and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding and amending the claims as set forth above, claims 1, 2, 4-10, 12-18 and 22-25 are now pending in this application.

Claim Objections:

In the Office Action, claims 1 and 10 were objected to, for the reasons set forth on page 2 of the Office Action. Claims 1 and 10 have been amended in accordance with the helpful suggestions provided on page 2 of the Office Action, whereby presently pending claims 1 and 10 are unobjectionable.

Claim Rejections – Prior Art:

In the Office Action, claims 1, 2, 17, 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0009542 to Kasal et al. in view of U.S. Patent No. 5,975,581 to Medina et al. and further in view of U.S. Patent No. 7,146,630 to Dravida et al.; claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasal et al. in view of Medina et al. and Dravida et al. and further in view of WO 98/44684 to Ekstrom; claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasal et al. in view of Medina et al. and Dravida et al. and U.S. Patent No. 5,892,912 to Suzuki et al. and further in view of U.S. Patent No. 6,873,624 to Johansson et al.; claims 5, 6, 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasal et al. in view of Medina et al. and Dravida et al. and further in view of Ekstrom; claims 7, 8, 15, 16 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasal

et al. in view of Medina et al. and Dravida et al. and further in view of Johansson et al.; and claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasal et al. in view of Medina et al. and Dravida et al. and further in view of U.S. Patent No. 6,405,371 to Oosterhout et al. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Presently pending independent claim 1 now recites that the transceiver of each of the second channel allocating switches is directly connected to the television content distributing servers, for directly communicating with at least one of the television broadcast content distributing servers. In its rejection of claim 1, the Office Action asserts that Dravida teaches a transceiver/receiver 604 as shown in Figure 10 of that reference, which is connected to a default server, for communicating with at least one television content distributing server, and whereby a network interface unit 119 as shown in Figure 3 of Dravida shows the passing of upstream and downstream traffic with respect to a default video server 138.

In reply, there is no direct connection between Dravida's NIU 119, which is connected to an Ethernet 30, to his Video Server 138, whereby traffic must pass through a Router 110, an ONU assembly 312, and a feeder network 22, before arriving at the NIU 119. Accordingly, since Dravida does not meet the specific limitations of the claimed transceiver as recited in presently pending independent claim 1, and since none of the other cited art of record rectifies these deficiencies of Dravida (as acknowledged in the Office Action due to its inclusion of Dravida in its rejection of claim 1), presently pending independent claim 1 is patentable over the cited art of record.

Likewise, presently pending independent claim 2 has been amended to recite that the transceiver is directly connected to a default server, for directly communicating with the default server. For similar reasons as given above with respect to claim 1, Dravida also does not meet the specific limitations of the claimed transceiver as recited in presently pending independent claim 2. Therefore, presently pending independent claim 2 is also patentable over the cited art of record.

In its rejection of dependent claims 9 and 10, the Office Action asserts that Oosterhout et al. teaches the features recited in those claims. Applicant respectfully disagrees. Namely, claims 9 and 10 recite that the default server cyclically (or time-divisionally) receives the television broadcast contents from the television broadcast content distributing servers on a compressed-data basis, and time-expands the cyclically (or time-divisionally) received

television broadcast contents to generate the menu of the television broadcast contents by reducing images thereof. Column 2, lines 46-67 of Oosterhout, which is cited against claims 9 and 10, describes that a mosaic screen is provided which includes a plurality of sub-images, and whereby a mosaic signal utilized to create the mosaic screen is digitally encoded by an MPEG encoder 14 and added to a transmitted signal. There is nothing in this portion of Oosterhout concerning cyclically or time-divisionally encoding television broadcast contents and time-expanding the cyclically or time-divisionally received television broadcast contents. Rather, only MPEG encoding and decoding is described, which, while it does teach the use of compression and expansion techniques, falls well short of the use of cyclic or time-division encoding and decoding as recited in claims 9 and 10.

Therefore, dependent claims 9 and 10 are patentable over the cited art of record for these additional reasons, beyond the reasons given above for their base claim.

Lastly, in its rejection of dependent claims 22 and 23, the Office Action asserts that paragraphs 0032, 0037 and 0042 of Kasal teaches that a user of the premise terminal is capable of viewing one of the television broadcast contents provided on one of the channels by way of one of the virtual local area networks and a user of the personal computer can view another of the television broadcast contents provided on another of the channels by way of another of the virtual local area networks. Applicant respectfully disagrees. Namely, paragraphs 0032, 0037 and 0042 of Kasal merely describe that a streaming network 20 provides both music and video content streams to television sets 115 via the streaming network 120 and the set-top boxes 110. Thus, it is clear that whatever content is displayed on the set-top boxes 110, which allegedly correspond to the claimed personal computer, is the same content that is provided on a premise terminal connected to the set-top box.

Therefore, dependent claims 22 and 23 are patentable over the cited art of record for these additional reasons, beyond the reasons given above for their respective base claim.

New Claims:

New claims 24 and 25 have been added to recite additional features of the present invention, which are believed to provide a separate basis of patentability for those claims, beyond the reasons given above for their respective base claim.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 1, 2008

By Phillip J. Articola

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6014
Facsimile: (202) 672-5399

George C. Beck
Registration No. 38,072

Phillip J. Articola
Registration No. 38,819